

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DENNIS P. CIRCO, CHRISTOPHER W.  
CIRCO,**

**Plaintiffs and Counter Defendants,**

**v.**

**DXP ENTERPRISES, INC.,**

**Defendant and Counterclaim-  
Plaintiff and Third-Party Plaintiff,**

**v.**

**CIRCO ENTERPRISES, LLC, AND  
CIRCO HOLDINGS, LLC,**

**Third-Party Defendants.**

**CASE NO. 8:11-cv-00273**

**ORDER**

This matter is before the Court on Plaintiffs and Third-Party Defendants Motion to Seal Motion to Strike Jury Demand and Supporting Documents (Filing No. 22) and Sealed Motion to Strike Jury Demand (Filing No. 23). The Court has reviewed the Rule 26(f) Report (Filing No. 27) filed by the parties and notes Defendant and Counterclaim-Plaintiff and Third-Party Plaintiff have elected to waive a jury trial, thus rendering the motions to be moot.

**IT IS ORDERED:** Plaintiffs and Third-Party Defendants Motion to Seal Motion to Strike Jury Demand and Supporting Documents (Filing No. 22) and Sealed Motion to Strike Jury Demand (Filing No. 23) in the above matter are denied as moot.

**IT IS FURTHER ORDERED:** The Clerk shall insure the docket reflects this is a nonjury case.

DATED this 16th day of September, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge